From: Jonathan Kamens
To: Microsoft ATR
Date: 1/25/02 12:17pm
Subject: Microsoft Settlement

To whom it may concern:

I have been developing computer software for Windows, Linux and other operating systems for over fifteen years.

I have reviewed the Proposed Final Judgment (PFJ) in United States v. Microsoft. In my opinion, the remedies outlined in that judgment are inconsistent with the Finding of Facts in the case and will not achieve the required goals of eliminating Microsoft's anticompetitive conduct and making it possible for other software vendors to compete with Microsoft on an even playing field in the future.

To mention just one of the many problems with the PFJ, it stipulates that Microsoft must document Windows API's so that competitors can write software which uses those API's to interoperate with Windows, but (a) the definition of what constitutes "API's" and therefore must be documented is just plain wrong, (b) there are no requirements on when API's must be documented, and hence Microsoft may be so slow in documenting them as to make it impossible for other software vendors to take advantage of the documentation in time to compete effectively.

Furthermore, the terms of the PFJ and of Microsoft's own end-user license agreements would seem to imply that Microsoft can continue to prohibit other software vendors from implementing and/or using emulations of Windows API's on non-Windows operating systems. For example, even under the PFJ the legality of the "WINE" Windows emulator for linux would still be questionable, despite the fact that "WINE" is clearly one of the largest and most effective tools for leveling the playing field between Windows and Linux.

I sincerely hope that the Court rejects the Proposed Final Judgment and instructs the Justice Department to come up with a new one which addresses the many problems which I'm sure have been brought to your attention.

Sincerely,

Jonathan Kamens
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